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***The Base Realignment and Closure Commission:
A Successful Strategy to Overcome Political Gridlock***

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Core Course 3

National War College

19 December 1994

Report Documentation Page				Form Approved OMB No. 0704-0188	
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1. REPORT DATE 19 DEC 1994		2. REPORT TYPE		3. DATES COVERED 19-12-1994 to 19-12-1994	
4. TITLE AND SUBTITLE The Base Realignment and Closure Commission: A Successful Strategy to Overcome Political Gridlock				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) National War College, 300 5th Avenue, Fort Lesley J. McNair, Washington, DC, 20319-6000				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT see report					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES 12	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

Introduction

Carl von Clausewitz, the 19th century military theorist, warned that in warfare “simple things are difficult ” The same principle applies to efforts to close military bases in the post-Cold War era The collapse of communism and disintegration of the Soviet Union left a diminished threat and precipitated a reduction in the size of the US armed forces The military base structure designed to accomodate a much larger Cold War force could no longer be maintained, especially in a much constrained budget environment There seemed to be a general consensus across the nation that base consolidation and closure could cut fat, without affecting the muscle of the armed forces

The situation seemed simple, the logic appeared abundantly clear Yet, the executive and legislative branches of government were unable to achieve a mutually agreeable plan to close bases This situation existed for several key reasons First, under our Constitutional system of separate institutions sharing power, neither branch of government could close bases without approval from the other Second, the executive branch opposed Congressional influence over their perceived Constitutional rights to manage the day-to-day operations of the armed forces They also questioned Congressional motivations on this matter Specifically, they were concerned that Congressmen would select bases to close based on parochial rather than national interests Interestingly enough, Congress held the same view of the executive Thrd, members of Congress were reluctant to act because closing a base in a Congressman’s district or state would surely raise severe objections from their affected constituents Failure to oppose such an action would be a sure form of political suicide for the member of Congress Additionally, Congressional procedure provides great powers to individual members who could halt the whole system over a base closure issue Finally, Congressmen are loathe to support any action that would hurt a fellow member, particularly if they

are in the same political party. This combination of factors, which will be discussed in more detail later, served to create an unusual situation in which it was impossible for these separate institutions sharing power to achieve a compromise solution.

As a result of this impasse, the Congress created the Base Realignment and Closure Commission (BRAC). The BRAC was an independent commission designed to relieve the executive and legislative branches of government of the politically onerous task of deciding which bases to close. More importantly, it advanced the process by procedurally forcing the President and Congress either to approve or disapprove the BRAC closure list in its entirety. To date, there have been three rounds of BRAC proceedings, each of which has been approved by both branches of government.

Given the seemingly clear logic for base closings, this situation poses the question. In retrospect, could the government have taken action to close bases without ceding power to an independent commission? This paper argues that it could not have, and that *the BRAC was the only feasible strategy to close military bases in the post-Cold War environment*. The paper will first briefly review recent US base closure history and then examine the competing institutions, persons, and interests posing obstacles to a solution. Finally, the paper will draw conclusions that demonstrate why these obstacles created a situation in which the BRAC was the only feasible strategy to close no longer needed military bases.

History

Closing military bases was not a new problem when the BRAC was created. It first surfaced as a serious national issue in 1964 when Secretary of Defense McNamara announced a major military base closure program. These attempted closures led to a series of bitter conflicts between the executive and legislative branches spanning the next 25 years. During this period, the Congress

levied a series of stringent statutory requirements that effectively halted base closures¹ These legislative actions resulted from several factors First, the House and Senate regarded executive base closure programs as attempts to circumvent Congress' claimed authority over control of government property Second, Congress maintained that base closures would produce negative environmental impacts and demanded that closure proceedings comply with strict provisions of the National Environmental Policy Act² This particular portion of the act was challenged in court by the executive branch, so Congress incorporated parts of the environmental act directly into base closure legislation

The issue arose again when President Reagan established the Private Sector Survey on Cost Control This organization, better known as the Grace Commission, concluded that closing unnecessary military bases could produce savings of over \$2 billion annually³ The Grace report renewed significant interest in the base closure process As a result, Congress created the BRAC by passing the Base Closure and Realignment Act of 1988

This history of largely unsuccessful attempts to close bases formed the backdrop for, and much of the impetus behind, creation of the BRAC During the past 25 years, every President became embroiled in political battles with the Congress over base closure issues The courts were asked many times to rule on closure decisions Congress was able, through creative legislation, to thwart every attempt by the Department of Defense to close military bases selectively⁴ In short, the government created an environment in which it was unable to act

¹ Mayer, Andrew C Military Base Closures: Congress and the Executive Branch Congressional Research Service 27 Dec 85, pg 1

² Ibid pg 2

³ Ibid pg 3

⁴ Ibid. pg 23

Obstacles

Political conflict is “standard operating procedure” in Washington DC. There are normally at least two opposing opinions on virtually every subject. However, the government system normally finds a way to compromise and proceed forward with some appropriate action. Unfortunately, this was not true of base closures. If our system of separate institutions sharing power normally resolves even the most contentious issues, what forces are so formidable that they present insurmountable obstacles to compromise in this case? The answer lies in the motivations and associated interests of the two key actors—the executive and legislative branches of government.

Within the executive branch, the first key actor is the President of the United States. Presidents have maintained a consistent position on base closure over the last several decades. They suggest that Congressional actions have impinged on their constitutional rights as Commander-in-Chief. President Johnson summarized this position in his veto message to a base closure related bill passed by Congress: “By the Constitution, the executive power is vested in the President. The President is the Commander-in-Chief of the armed forces. The President cannot sign into law a bill which substantially inhibits him from performing his duty. He cannot sign into law a measure which deprives him of power—even to propose a reduction of mission or the closing of any military installation, and which prohibits him from closing, abandoning, or substantially reducing in mission any military facility in the country. The times do not permit it. The Constitution prohibits it.”⁵ In this case, the restrictive law in question would have intruded on executive authority and thus raised a significant separation-of-powers question under the Constitution. Presidents universally believe that they have full authority to deploy forces as necessary for the day-to-day operations of the armed

⁵ Ibid pg 11

forces. In their judgment, realigning forces at military bases falls within that authority, and is fully supported by the Constitution. For these reasons, Presidents have adamantly opposed any legislation restricting their rights on this matter.

The Department of Defense is a second factor in the executive equation. Within the DOD, there are several important players including the Secretary of Defense (SECDEF) and the military services. Together they support the President, but each also brings a different perspective to the table. The Secretary of Defense advises the President on all defense matters and is responsible for establishing strategy and supporting force structure, as well as equipping and training the armed forces. These tasks are all managed through the defense Planning, Programming and Budgeting System (PPBS). This is a highly complex process that depends upon matching resource requirements with available funds. SECDEF's are keenly aware that the size and composition of the defense budget may affect the health of the whole US economy, and the level of defense spending is often a major issue in debates over national priorities.⁶ During the present tight fiscal times, the SECDEF's objective must be to get the most bang for every buck. He knows that operating excess bases at partial strength will consume limited resources at the expense of readiness, infrastructure, and modernization efforts.⁷ Therefore, he strongly believes that he should have the authority, through the President, to posture forces in the most cost effective manner and close unnecessary bases, if necessary, to achieve that objective. Finally, SECDEF's maintain that they know better than anyone else which bases should be closed, and tend to forcefully oppose "less informed" and parochial opinions.

⁶ Berner and Daggett, A Defense Budget Primer, Congressional Research Service, 9 Mar 93, pg. 1.
⁷ Senator Phil Gramm (R-TX), Congressional Record, Vol. 140, No. 53, S5251, 2 May 94.

The service Chief's of Staff each in turn support the President and SECDEF. However, they bring some independent priorities to the argument. It should be no surprise that the service Chiefs support the general concept of DOD control of base closures, but they tend to oppose each other about which bases should be closed. If left unchecked, each service adamantly protects its own missions and force structures. As a result, the chiefs rarely offer up one of their own bases for closure. So, while the SECDEF wants to close bases in the broad national interest, the services maintain a more narrow perspective.

The Congress opposes the executive branch on the base closure issue. Congressmen are influenced by their constituent interests, so it is useful to examine the community perspective first. Each community is different, but all are represented by local governments, such as mayors and state legislatures, business interests, such as chambers of commerce, military affairs organizations, such as veterans groups and base liaison organizations, and last, but certainly not least, the people of the community. These communities will support a national base closure program as long as it is not "their" base that will be closed. President Clinton summed up community concerns when he said that "base closings forced communities to cope with a jarring economic upheaval without tools or resources. Many bases were heavily polluted. The cleanup seemed to take forever. Red tape in bureaucracy frustrated local officials when they sought help and people in the community saw an employer of thousands turn into a destroyer of economic security."⁸ The powerful Senate Armed Services Committee Chairman, Senator Sam Nunn (D-GA), added, "We all feel deep pain for the bases and the people affected, because these are the people who helped us win the Cold War."⁹ These comments provide a sense of communities which have built their economies around a

⁸ Evline, Bob Cain, live report, CNN World News, 2 Jul 93.

⁹ Nunn, Sam, Congressional Quarterly, 31 Jul 93, pg. 2080.

formidable military presence¹⁰ Losing a military base in their area forces them to consider providing social services for the unemployed, as well as education, police, fire, health, and sewer and water services previously provided by their military base Additionally, many local businesses claim to survive solely because of the military base, and community leaders fear what will happen to people who depend on military bases for their livelihood when a base closes The Chairman of the Joint Chiefs of Staff summarized the influence that American communities have when he recognized that they represent an important and necessary foundation for a strong national defense program¹¹

When the communities speak, Senators and Representatives listen Members of Congress need constituency support to keep their jobs Without the confidence of the majority of the population in their districts, or states, they won't be reelected So it is no surprise that their first loyalty is to their constituents They will aggressively oppose anything that might hurt "their" communities Whether this is purely self-serving, or just the way that Congressmen are expected to act, is not really the issue here Instead, it's more important to understand the dynamics of the situation Barry Blechman suggests that "there is nothing wrong with Congress acting like this Our system of government is built on this play of local interests in the Congress, but from the perspective of the national interest in an efficient defense posture, there is a price to be paid for the supremacy of parochial interests in Congressional decisionmaking"¹² Former Speaker of the House Thomas "Tip" O'Neill was fond of saying that "all politics are local" These comments highlight the paradox that Congressmen face between their national and local responsibilities Certainly with regard to base closures, members of Congress normally pledge their primary allegiance to their local constituencies

¹⁰ Aspin, Les Congressional Quarterly 20 Mar 93 pg 679

¹¹ Gen John Shalikashvili comments to the National Defense University Nov 1994

¹² Blechman, Barry The Politics of National Security Oxford Univ Press 1990 p 56

As Mark Lowenthal, of the Congressional Research Service, put it “what member of Congress is going to go back to his district and say, I closed our air base, vote for me?”¹³

As a result of these strong ties to home, members of Congress go to exceptional lengths to protect the military bases in their states and districts. Even the most “anti-military” Congressmen fight tooth and nail to retain “their” military bases. Mr. Jim Courter, former chairman of the BRAC, said simply “every member of Congress is an advocate for his own community”.¹⁴ One example is Representative Sonny Montgomery (D-Miss). Rep. Montgomery, the 72-year-old chairman of the House Veteran’s Affairs Committee, set aside everything else on his June 1993 calendar to observe hours of testimony before the BRAC. According to Elizabeth Palmer, “Montgomery has staged his silent vigil before the commission in the effort to save his hometown base, Meridian Naval Air Station.”¹⁵ Montgomery finally won the opportunity to testify before the commission and told them that this was his “top priority. Nothing is more important.”¹⁶ Senator Ernest Hollings (D-SC) said closing Charleston Air Force Base, in his home state, would be “an economic disaster.”¹⁷ Representative Bill McCollum (R-FL) organized a multi-pronged attack on the process to protect his Orlando naval facility. He began by organizing the community and raising money to support the effort. He met weekly with a strategy group and hired an economist to analyze economic impact data and run cost comparison estimates. He sent a series of letters to key Department of the Navy personnel requesting clarification of over 66 facts and figures, and he personally managed a campaign to focus on the specific military criteria established by the BRAC.¹⁸ These few examples

¹³ Lowenthal, Mark, remarks to the National War College, Nov. 1994

¹⁴ Sesno, Frank (byline), CNN Domestic News, 11 Mar 93

¹⁵ Palmer, Elizabeth, Sonny’s Vigil, Congressional Quarterly, 19 Jun 93, pg. 1593

¹⁶ Ibid, pg. 1593

¹⁷ Ibid, pg. 1594

¹⁸ Congressional Quarterly, 25 May 91, pg. 1392-3

are representative of the efforts expended by members of Congress to fight the base closure process Representative Jon Kyl (R-AZ) sums up the point when he says that "Congress cannot and will not allow bases to be closed, it is too politically difficult "19

It was mentioned earlier that the President questioned Congressional impingement on his Constitutional authorities Congress takes the opposing view Representative Dick Armey (R-TX), the author of the Base Closure Act of 1988, said that "there is within the House [of Representatives] a concern about having an uncompromised authority over basing in the hands of the Defense Department Whether it is true or not, it is very clear that Members believe that bases have in the past been closed for political reasons rather than reasons of defense preparedness "20 Congress simply believes that unilateral executive action to close bases restricts the legislative branch's Constitutional power of the purse and their authority to raise and equip armies For all these reasons, the Congress is a major obstacle in the base closure process

Conclusions

This paper began by suggesting that virtually every issue in Washington DC has at least two opposing arguments Nevertheless, compromise normally prevails However, consensus has proved impossible to reach in the case of base closures for two important reasons Unlike with most other issues, the actors in this scenario *could not* compromise Their respective positions were mutually exclusive allowing no option to retreat The President and Secretary of Defense could not cede what they believed to be Constitutional authority to manage the armed forces in the best interests of the nation The military services could not realistically offer their own bases for closure when they were defending strategy and force structure that required those bases Communities that truly believed

¹⁹ Congressional Quarterly 6 Jul 88, pg 1910

²⁰ Congressional Testimony House Armed Services Committee Jul 88 pg 11

their future was at stake could not sacrifice themselves, and Congressmen absolutely could not acquiesce to a base closure in their districts and survive politically. These dynamics shape the debate. The point is not whether each actor is right or wrong, but that these obstacles are absolute. The system of separate institutions sharing power demands a solution legislated by the Congress, approved by the President and executed by the DOD. In this case, the government was unable to act and a strategy was required to break the gridlock. The national interest demanded it and the BRAC provided it.

The BRAC's design was ingenious. It allowed the actors to "play in the process," while absolving themselves of the blame for individual base closures, yet still accomplishing the objective. According to BRAC rules, politicians must approve or reject the package of base closure recommendations as a whole. They cannot remove individual bases from the list. In practice, the packages were carefully crafted so that a majority of the lawmakers were not affected and thus voted to sustain the list. At the same time, the minority whose constituents would suffer could go back home and say, with a clear conscience, that they did all they could to oppose the effort including voting against it.²¹ Representative Les Aspin (D-WI) said of the first list "about two dozen members were hit. More than a hundred are breathing a sigh of relief. [The latter] now have a vested interest in seeing the list go through."²² This is a critical part of the process because it prevents individual Congressmen from holding up the system, while allowing the majority to avoid the dilemma of voting against fellow members. This effectively forces Congress to bypass the normal system of mutual support, returning favors, and backscratching. Additionally, the process limits time for debate, precludes Senatorial filibuster, and prevents adding any amendments. These important procedural

²¹ Donlan Thomas Earning the Peace Dividend Barrons, 24 Jan 94 pg 10

²² Congressional Quarterly 31 Dec 88 pg 3625

rules insure timely action and provide political protection for individual members on both sides of the issue

The executive branch provides data to the BRAC during their research and deliberation phases of the process. However, once the base closure list is complete, the executive branch cannot amend it and must act within a specified timeframe to approve the entire list. This serves the same purpose as it did for the Congress and facilitates a similar response. As a result, Presidents have been free of the political obstacles presented earlier, and have quickly approved each of the three lists proposed thus far.

Our government normally runs on the successful compromise and coordination expected of the Constitutional concept of separate institutions sharing power. However, when obstacles are so formidable that they prevent the system from working as it was intended to, then an external stimulus is required. Author Thomas Donlan said "the BRAC gave members of Congress the political cover they needed to do what was right for the whole nation."²³ Mr. Jim Courter added that "yielding to such a commission absolves our representatives of responsibility and insulates them from the wrath of the voters and the power of the bureaucracy. Just look at those areas of gridlock. Look at those areas where there is institutional incapability of solving a protracted problem that everybody recognizes has to be solved, and in those situations, apply this type of commission, and it worked, I think, in base closing. The BRAC process has helped us do what we hate to do but which we all know has to be done."²⁴ This is not a debate about right or wrong, it is instead an analysis about what works. Clearly, the BRAC was the only feasible strategy to close military bases in the post-Cold War era.

²³ Donlan, pg. 10

²⁴ Courter, James. Address to a National Press Club Luncheon. Reuters. 5 Mar 93